




December 20, 2011

To: Chancellor Brady Deaton
Chancellor Thomas George
Chancellor Leo Morton
Interim Chancellor Kent Wray

From: Interim President Stephen J. Owens 

Re: Executive Order No. 38 (CRR 200.015: Academic Inquiry,
Course Discussion and Privacy)

Today I am issuing Executive Order No. 38, *Academic Inquiry, Course Discussion and Privacy*. The University of Missouri System has long protected the academic freedom of faculty as being essential to the learning process. I recognize that it is also critical for students to have the benefit of free inquiry and discussion and am taking steps to protect those rights.

The purpose of this new policy is to provide guidelines to protect the sanctity of classroom discussions for students. It is critical that students feel free to contribute their own thoughts and opinions in a safe learning environment without fear that their opinions, comments or questions will be disseminated inappropriately outside the classroom.

I understand that today's students rely heavily on technology to aid in learning, including capturing audio or video of lectures presented in the classroom. This policy in no way attempts to prohibit students' use of technology, but rather prohibits the unauthorized redistribution outside the classroom of any audio or video recordings without the consent of the faculty and students who are recorded.

This policy has been vetted with the General Officers, the UM campus provosts, the Intercampus Faculty Council and campus faculty groups. The discussion and comments we received from the various administrative and faculty groups have been invaluable in crafting this policy.

The complete version of Executive Order No. 38 is attached. Please share this information with your provosts, academic deans, department chairs and faculty as appropriate.

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Attachment

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Collected Rules and Regulations

Programs, Courses and Student Affairs

Chapter 200: Student Conduct

200.015 Academic Inquiry, Course Discussion and Privacy

Executive Order No. 38, 12-20-11.

The Board of Curators of the University of Missouri long ago adopted a statement emphasizing the importance of academic freedom as it relates to faculty members. That statement, found at Section 310.010 of the Collected Rules and Regulations, expresses the view that academic freedom of its academic staff is "indispensable to the success of the University of Missouri in fulfilling its obligations to its students and to society." However, that statement does not address, in any significant way, the importance of academic inquiry and discourse for students of the University of Missouri.

It is vitally important for the University of Missouri to foster and maintain an educational environment that promotes free discussion, inquiry and expression by students, both inside the course and out, without fear that their exercise of such rights will have negative repercussions in areas over which the University of Missouri has responsibility. It is equally important that students understand the narrow line separating their First Amendment rights and the legal and privacy rights of others so that students can exercise those rights with responsibility.

A. Goals and Aspirations

1. Information about student views, beliefs, and political associations that fellow students acquire in the context of course discussions should be handled responsibly. Students are encouraged to be sensitive to the potential that dissemination of information about fellow students derived from course discussions may be perceived as defamatory and/or may subject them to ridicule, harassment or reprisal from those who do not agree with the views, beliefs or political associations expressed in the course.
2. Information about student views, beliefs, and political associations that faculty members acquire in the context of course discussions should be handled responsibly. Faculty members are encouraged to be sensitive to the potential that dissemination of information about students derived from course discussions may be perceived as defamatory and/or may subject them to ridicule, harassment or reprisal from those who do not agree with the views, beliefs or political associations expressed in the course.

B. Restrictions on Disclosure and Distribution—Prohibitions

1. **Faculty** should encourage free discussion, inquiry, and expression in courses, conferences and meetings. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

2. **Students** may make audio or video recordings of course activity unless specifically prohibited by the faculty member.
 - a. To foster a safe environment for learning, however, the redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the faculty member and of any students who are recorded. Unauthorized distribution of such materials is a violation of academic standards and may violate copyright laws and/or privacy rights. Students found to have violated this policy are subject to discipline in accordance with the provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters. Faculty and staff found to have violated this policy are subject to discipline in accordance with applicable University policies.

C. Student Records

1. The federal Family Educational Rights and Policy Act (FERPA), 20 U.S.C. §1232g, and the University of Missouri's policy on student records, Section 180.020 and Section 180.025 of the Collected Rules and Regulations, describe student rights of access and rights of privacy which a student can expect with regard to his or her education records. That law and University policy applies whether those education records are in hard copy, are electronically stored or are contained along with other images either recorded or broadcast in connection with courses available online or through distance learning. The content of such education records should not be shared with individuals, other than individuals who have been determined by the University of Missouri to have an educational need to know, except in accordance with the provisions of FERPA and University policy.
- D.** Nothing in this Executive Order may conflict with the provisions of Section 240.040 of the Collected Rules and Regulations, "Policy Related to Students with Disabilities."